

## **I. INS Partnerships with Community-Based Organizations**

### **A. Introduction**

As detailed previously in this report, CUSA was alleged to be a politically driven program designed to create large numbers of potential new voters prior to the 1996 election. These allegations were not limited, however, to charges that the White House influenced CUSA or that INS compromised naturalization standards to increase the number of potential new voters. There were other allegations—that community-based organizations (CBOs) had inappropriate access to or influence upon INS and that INS inappropriately merged voter registration efforts into the naturalization process.

As discussed elsewhere in this report, we did not find that INS designed the CUSA program to produce voters in an effort to influence the 1996 election. We likewise found that INS’ “partnerships” with community organizations during CUSA did not reflect its entry into a partisan voter registration campaign. Rather, these partnerships resulted from Commissioner Meissner’s interest in promoting naturalization and making the naturalization process more “customer friendly” to applicants, an interest that also was encouraged by other federal initiatives aimed at partnering with the private sector. This effort during CUSA built, to an extent, on programs that already existed in several districts. With respect to voter registration issues, we found that a number of CBOs focused on this issue and took advantage of INS’ enhanced naturalization efforts and large or frequent naturalization ceremonies to register new voters. However, we found INS’ involvement in actual voter registration efforts during CUSA did not deviate in any meaningful way from its limited historical activities.

Despite the lack of evidence of any inappropriate motive behind INS’ increased emphasis on “partnerships” with CBOs during CUSA, this prong of the program was not without its drawbacks. As discussed in our chapters “The Implementation of CUSA: an Overview” and “Interviews and Adjudications,” INS Headquarters failed to provide guidance to the Field about the breadth, limits, or risks of partnerships even though the development of increased partnerships with outside organizations was predicated on INS’ promise that it would promulgate such guidance. As a result of this shortcoming, districts adopted their own approaches to working with CBOs, and some were more vigilant than others in ensuring that these organizations were treated equally and that adjudicative integrity was not threatened.

One way in which several districts demonstrated their commitment to the partnership prong of the CUSA program was to institute or expand off-site or “outreach” processing. Such processing, arranged by INS in conjunction with participating CBOs, took adjudicators into the community where they would adjudicate naturalization applications at a site that was more convenient and inviting to naturalization applicants. As detailed in our chapter on interviews and adjudications, the quality of adjudications conducted through off-site processing in Chicago and Los Angeles Districts suffered as a result of the lack of guidance from INS Headquarters.

In this chapter, we describe several other problems not addressed previously in our report that arose from INS’ unstructured approach to the promotion of “partnerships” with CBOs.<sup>1</sup> The evidence shows that in the absence of meaningful national guidelines concerning the interaction of such partnerships with INS districts, their sound administration was dependent on the attitudes and diligence of local managers. We found that at least one district, Chicago, was permitted to risk too much—including the appearance of even-handedness in the adjudication of applications—in the name of fostering better relationships with CBOs, while the refusal of another district, New York, to accommodate the demands of a particular CBO resulted in complaints to INS Headquarters.

Another problem stemming from the lack of meaningful guidance was the appearance that the dividing line between the work of INS and the work of the CBOs had been blurred. CBOs served their members not only by assisting them with the naturalization process but also by assisting them in becoming

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<sup>1</sup> We do not discuss Miami District in detail in this chapter because we found that the “partnership” prong of CUSA did not exert a significant influence on adjudications there, unlike the experience in Los Angeles and Chicago. Also, unlike managers in New York, Miami managers offered no significant complaints about this aspect of CUSA. At the direction of INS Headquarters to become more involved with CBOs, the Miami District did hold a meeting with CBO representatives in November 1995 to discuss CBO concerns and ways that the CBOs could assist INS in facilitating the naturalization process. Miami officials held another meeting with CBO representatives when Commissioner Meissner, EAC Aleinikoff, and Rosenberg visited the District in January 1996. However, Miami District managers remained skeptical of greater engagement with CBOs. Except in one limited instance in which fewer than 100 applicants were interviewed by INS officers at a CBO facility, CBOs were not generally involved in the practical aspects of naturalization processing.

educated and interested voters. As INS worked more closely with CBOs, it sometimes appeared—as in the examples we address in this chapter—that INS, too, was involved in voter registration efforts. As we noted above, the evidence shows that this was more a problem of appearance than reality, but that appearance showed the need for INS to draw the lines more distinctly between its activities and those of the CBOs.

## **B. Background on INS' work with community organizations**

INS' cooperation with community groups in the administration of immigration benefits was not new in fiscal year 1996 or limited to naturalization. During the 1980s when INS was inundated with applications for adjustment of status under the Immigration Reform and Control Act (IRCA), INS identified particular organizations as Voluntary Legal Assistance Groups (VOLAGs) and Qualified Designated Entities (QDEs) and permitted them to have a defined role in assisting applicants to complete the benefit application process.

In addition, INS was mandated by statute to coordinate with national and local organizations to distribute information about and promote the benefits of citizenship. Title 8, United States Code, Section 1443 provides that

in order to promote the opportunities and responsibilities of United States citizenship, the Attorney General shall broadly distribute information concerning the benefits which persons may receive under this title and the requirements to obtain such benefits. In carrying out this subsection, the Attorney General shall seek the assistance of appropriate community groups, private voluntary agencies, and other relevant organizations.

This statutory mandate is also reflected in a federal regulation that provides, “the Central Office (INS HQ) and the field offices shall take steps to obtain the aid of and to cooperate with official National and State organizations in the Service’s program of promoting instruction and training of applicants for naturalization for their citizenship duties and responsibilities.”

Commissioner Meissner came to INS believing that it should work hard to strengthen its ties with community organizations.<sup>2</sup> During her confirmation

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<sup>2</sup> Several of the Key City Districts had active relations with community organizations that predated Commissioner Meissner’s tenure. The San Francisco District, for example,

hearing, she told Congress that the challenges confronting INS required it to seek support from outside the Service and even outside government. “INS must be a source of innovation, accurate information, and *imaginative partnerships* [emphasis added] with other Government and private actors if we are to master the challenges that these movements [global movement of people] pose.”

As noted earlier in this report, Commissioner Meissner felt that INS should do more to promote naturalization—and she saw community organizations as likely allies in that effort. She told the representatives of one CBO at a meeting in March 1994 that INS had historically been too passive in the promotion of citizenship. “We have never been very aggressive in encouraging resident aliens to naturalize. I want to change that approach.” Speaking to representatives of another CBO later that same month, Meissner said that encouraging naturalization meant, in part, “enlisting support from private groups within the communities, where prospective citizens live.”

From the beginning of her tenure as Commissioner, Meissner viewed outside organizations as prospective allies in the promotion of naturalization efforts. In part, she saw partnerships as vehicles for fostering an increased interest in naturalization. She believed that INS needed to pursue cooperative agreements with CBOs to better communicate with the public, as well as

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began liaison meetings with local CBOs in the late 1980s. Meetings between INS and CBO representatives, held quarterly, provided attendees an opportunity to raise any issues of concern, such as complaints about overly strict adjudicative determinations.

The New York District also had a lengthy history of interaction with local community groups before CUSA. Beginning no later than 1988, New York officials met on a regular basis with group of local immigrant advocacy groups to answer questions and discuss areas of concern. Among the groups represented were New York Catholic Charities, Hebrew Immigrant Aid Society, (HIAS) the New York Immigrant Coalition (NYIC) and the Catholic Legal Immigration Clinic.

The Chicago District also had extensive interactions with community organizations, and had a large scale outreach program. In the outreach program, naturalization interviews were performed by INS adjudicators “off-site” at locations provided by community organizations. Chicago’s outreach program, which was launched in 1990, was hailed as a success by the Chicago District Director, local community organizations, and INS Headquarters. However, as discussed in this and in previous chapters, Chicago’s program had serious flaws that largely went unaddressed and continued to plague the Chicago office as CUSA progressed.

provide language and civics instruction and assist eligible non-citizens to apply for naturalization.

Commissioner Meissner's idea of building relationships with community organizations was endorsed by Attorney General Janet Reno. The Attorney General told OIG investigators that she had personally seen the benefits of working with community organizations when she was the District Attorney in Miami. She agreed with Commissioner Meissner that there had been too little focus on the "service" aspect of INS, and believed that better relationships with community organizations would enhance the image of INS in immigrant communities.<sup>3</sup>

### **C. The partnership prong of CUSA**

As is detailed in our overview chapter, CUSA was one of six priorities identified by INS Headquarters for FY 1996. The third objective in CUSA's Priority Implementation Plan was to "expand and strengthen service partnerships." The planning document identified four tasks to be completed to establish successful partnerships: (1) to develop and implement a regulatory system to encourage the growth of qualified service providers;<sup>4</sup> (2) to develop and implement guidelines for service partnerships with CBOs; (3) to expand outreach interviews; and (4) to develop, pilot, and implement effective methods for ceremony planning. According to the Priority Implementation Plan, Alice Smith, Special Assistant to Commissioner Meissner assigned full-time to CUSA, was the coordinator for all these tasks, sometimes in conjunction with other officials. Smith was responsible for coordinating the first task, Smith and E. B. Duarte, were responsible for the fourth task, and the other two items were to be coordinated by Smith and project site managers assigned to the CUSA cities.<sup>5</sup>

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<sup>3</sup> In response to questions from the OIG, Attorney General Reno added that she was aware that INS and CBOs often had divergent interests. Therefore, she understood that INS could only "partner" with these organizations to a limited extent, inasmuch as INS was charged with determining the eligibility of CBO clients for citizenship.

<sup>4</sup> INS viewed "service provider" as a broad term for community-based organizations, schools, colleges, and other agencies that provided direct services to immigrants.

<sup>5</sup> E.B. Duarte was INS Headquarters' long-time Director of Outreach Programs. During CUSA, Duarte primarily focused on administering a \$500,000 grant awarded to a Catholic Charities project in California to develop a naturalization awareness and assistance program.

As the Priority Implementation Plan and other documents demonstrate, INS recognized at the outset that expansion of “partnerships” would require greater direction and control. In order to encourage the growth of qualified service providers, INS intended to promulgate a regulation to certify qualified organizations that wished to assist applicants in the preparation of appropriate immigration forms. In addition, INS intended to develop and implement guidelines that would assist districts in creating and managing effective partnerships between CBOs and the Key City Districts. As a result of these efforts, INS anticipated greater coordination between outside groups and INS, greater consistency among the districts in dealing with community groups, and a more positive view of the naturalization process by the immigrant community.

As discussed in this section, INS did indeed focus on building relations with community organizations and rapidly expanded its outreach program. However, INS Headquarters failed to develop guidelines for the districts to use in “creating and managing effective partnerships,” as stated in the Priority Implementation Plan. These guidelines were never issued, despite the fact that the Implementation Plan called for their publication by March 30, 1996. In addition, INS failed to give the districts meaningful guidance as to just what the term “partnership” meant.<sup>6</sup> Finally, INS failed to develop and implement

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The OIG did not conduct a review of this grant program and it is not discussed further in this report.

<sup>6</sup> INS Headquarters failed to provide guidance despite requests for such guidance from the Field. In October 1995, District Director Rogers forwarded to Headquarters Los Angeles District’s proposed criteria for organizations participating in outreach. The criteria included that the organization be not-for-profit, that it be willing to state its fees for services, that it not offer a time advantage over mail-in applicants, and that CBO representatives attend Naturalization Advisory Council (NAC) meetings. As of February 6, 1996, Los Angeles had still not received a response to their proposed criteria, and ADDA Arellano asked Alice Smith and David Rosenberg for their input, since they had previously suggested that such criteria be developed. Still, Los Angeles heard nothing. According to ADDA Arellano, E.B. Duarte objected to the criteria concerning an organization’s non-profit status and the requirement to state fees, for reasons Arellano remembered to be “legal.” Duarte, for his part, did not recall voicing any such objection. However, no guidance was forthcoming.

Chicago managers also asked for guidance. Chicago site manager Jorge Eisermann attempted to develop a memorandum of understanding that would govern INS’ relationships with CBOs which participated in the outreach program. Eisermann chose the United

the regulatory scheme that would have allowed it to certify that only appropriate organizations assist applicants.

## **D. Disparate approaches in the Field**

### **1. Chicago**

The Chicago District had the best-known, often praised, and most extensive relationship with community organizations before CUSA. This relationship was problematic before and during CUSA in that District employees perceived District managers to be more supportive of CBOs than of INS employees. In addition, employees believed the District allowed CBO representatives to pressure adjudicators into changing their decisions so that the District would maintain a positive image and rapport with those CBOs.

Chicago's extensive outreach program was largely attributable to the aggressive efforts of then District Director A.D. Moyer, who in 1990 launched an outreach program to promote naturalization and educate those who desired to become citizens. Moyer was a service-oriented District Director who had strong ties to several Chicago CBOs. In addition to monthly meetings with local CBOs to discuss their concerns and answer their questions, outreach in the Chicago District included interviews of clients of designated CBOs at CBO locations in the community. By 1995, almost half of Chicago's naturalization applications were submitted through CBOs and were scheduled for off-site adjudication. Moyer's outreach efforts also included his participation in a weekly television show—"Linea Abierta"—on a local Spanish language channel in Chicago, during which Moyer and an INS trial attorney answered questions about INS programs, including citizenship.

Encouraged by their close relationships with Moyer, representatives from several community organizations began to make increasingly greater demands on INS adjudicators conducting off-site interviews. They questioned the decisions of individual adjudicators and took their complaints about officers

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Neighborhood Organization (UNO) as the first CBO to "pilot" this proposed agreement, and sent a copy to INS Headquarters. Rosenberg told the OIG that he was concerned about Chicago's particularly close relationship with UNO and told District officials that they should not enter into a binding agreement with UNO. He believed that Chicago used the proposed memorandum as a guide, not an agreement. Chicago personnel indicated that the proposed agreement "died" at INS Headquarters.

directly to Moyer.<sup>7</sup> Moyer, in turn, would direct the naturalization supervisor to reopen certain cases and to remove specific officers from the outreach program who were perceived by CBOs as too “strict.”<sup>8</sup> Assistant District Director for Examinations Shirley Roberts, told the OIG that, over time, Chicago District personnel began to perceive Moyer as more supportive of certain CBOs than he was of his own employees. She described Chicago outreach as a program that began with good intentions but that turned into a disaster.

The District’s naturalization supervisor told the OIG that Chicago’s off-site interviewing program grew beyond her ability to manage because she was required to do separate schedules for the “in-house” and “off-site” cases. In addition, she said Moyer would assign her special projects.

One such project in mid-1995 involved the Korean American Seniors’ Association, a group that had not previously been active as a CBO. The Chicago District received about 1,000 applications from this group, along with a request for off-site interviewing and a group ceremony. Moyer told the naturalization supervisor that he wanted members of the group interviewed and then naturalized in a special ceremony. When the naturalization supervisor met with the head of this group, she learned that the group believed that they would not have to take the required English and Civics test, and the head of the group indicated that Moyer had agreed to this. The naturalization supervisor told the OIG that she did not agree to this request and told the group that they would be tested like other applicants. She noted, however, that given their age and residency in this country, most of the members of the group were exempt from the English-language portion of the test, but they would have to take the Civics test, although they qualified to take it in their own language. Of those applicants who were not exempt from the testing requirements, more than half failed, and the naturalization supervisor told the OIG that she received “a lot of grief” from Moyer over these failures. The applicants who passed were

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<sup>7</sup> Moyer also had his own “expediter,” an adjudicator who would handle certain cases at his direction.

<sup>8</sup> INS personnel in Chicago told the OIG that Moyer had particular favorites among Chicago CBOs and that the heads of those organizations had immediate access to him. According to Chicago managers, the two organizations most favored by Moyer were the Cuban American Association and UNO. Organizations with less cordial relationships with Moyer were shut out of the outreach program, according to these witnesses.



naturalized during a June 1995 mass judicial ceremony. According to the naturalization supervisor, after this experience she refused to conduct further outreach activities with the Korean American Seniors' Association.

As discussed in our earlier chapter on interviews and adjudications, the problems associated with Chicago's outreach program were documented in a March 1, 1995, report issued by INS' Central Region, which sent a review team to assess Chicago's adjudications program. The report noted, among other problems, that District adjudicators held a perception—fueled by Moyer's acquiescence to CBO complaints—that the Chicago District outreach program was biased in favor of granting applications. The report stated that “[t]he overriding priority of the Chicago Adjudications program must be to take control of the outreach program.” The review team called for a moratorium on off-site interviews until the Chicago District could properly control those interviews. The report noted that managers should ensure that adjudicators receive their full support when they conduct themselves properly, regardless of their decisions in a particular case.

Moyer did not adopt any of the recommendations made by the review team. In his response to the report, Moyer declined to place a moratorium on off-site interviews, indicating that it would have a negative impact on INS' reputation among lawful permanent residents in the community who depended upon the CBOs for vital information in dealing with INS. To cure the problem of the disproportionate backlog in outreach processing compared to “in-house” processing, and because of his interest in maintaining what he perceived as the positive impact of the District's off-site program, Moyer suggested to regional officials that if a moratorium were necessary it should be on in-house interviews until the off-site program caught up.

Moyer resigned in the late fall of 1995 and was replaced by Brian Perryman. Although Perryman met with CBO representatives soon after he became the District Director and stated that intimidation of adjudicators at off-site interviews would not be tolerated, no real structural changes were made to the Chicago off-site interviewing program during CUSA.<sup>9</sup> As detailed in our

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<sup>9</sup> In fact, Rosenberg cited Chicago's outreach program as a model for other districts to emulate.

The Central Region audit that criticized the Chicago CBO program was not distributed to INS Headquarters. Still, INS HQ was on notice that something was wrong in Chicago. Meissner told OIG that she had heard about Moyer's reported favoritism. Smith and

chapter on interviews and adjudications, in the absence of overt steps by District management to discourage CBO complaints and attempts to interfere with adjudicators' decision-making, the perception persisted among District employees that Chicago managers were susceptible to CBO influence.<sup>10</sup>

## **2. New York**

The New York District also had a lengthy history of interaction with local community groups, although New York's approach to partnerships was in marked contrast to Chicago's. As previously noted, as part of its outreach program, New York officials had met for several years on a regular basis with CBOs to answer questions and discuss areas of concern. Unlike Chicago, however, the New York District did not conduct off-site interviews at specific locations exclusively for clients of a particular CBO. Instead, out of concern that all CBOs and their clients be given equal access to off-site interviewing, the New York District offered off-site interviewing at designated locations and opened the interviews to clients of any CBO. This more open approach to off-site interviews resulted in complaints to INS Headquarters by one CBO about the New York District.

New York District Director Edward McElroy told the OIG that he was skeptical of INS Headquarters' emphasis on increasing the partnerships with CBOs during CUSA, saying that he felt that it was tantamount to promoting the naturalization program at a time when they could not handle the applications that they already had. He told the OIG that INS expected him to devote 50 percent of his time to liaison work with the community, which he regarded as "playing spin doctor" rather than delivering service. Other New

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Rosenberg also told OIG that they were aware that Moyer allegedly displayed favoritism to some CBOs; however, they denied knowing that Chicago DAOs had complained of pressure to grant applications at outreach interviews. Despite some intimations to the contrary, in the main Chicago was praised because it focused on outreach, and outreach was very popular with CBOs.

<sup>10</sup> INS Headquarters conducted a review of the Chicago adjudications program in October of 1996 following the testimony of four Chicago DAOs before Congress. The draft report indicated that DAOs continued to perceive CBOs as exerting undue influence during CUSA and found that a number of DAOs complained about CBO intimidation. The report recommended that District management meet with all Chicago CBOs "in order that an understanding of each others [sic] roles [the role of INS and the role of the CBOs] be clearly understood."

York managers also told the OIG that they were concerned about INS Headquarters' partnership proposal. One manager said that the New York District recognized that CBOs often have divergent interests from INS and that the District felt an arms-length relationship was proper.

Despite these misgivings about the nature of the "partnership" push, New York continued its regular meetings with CBOs and implemented an off-site interviewing program. While New York enlisted the aid of CBOs to locate sites in the community to conduct interviews, unlike what occurred in three of the other Key City Districts, interviews at such sites were not limited to the clients of any particular CBO. Instead, applicants were selected for off-site interviews based on their geographical proximity to the interview location.<sup>11</sup>

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<sup>11</sup> An exception to the New York District Office's aversion to off-site interviewing was made for a group of approximately 150 Korean immigrants who were clients of Korean Immigrants Services of New York and were interviewed in July 1996 at a Korean church.

The New York District was first approached in October 1995 about "initiat[ing] a program of encouraging senior Koreans to obtain their American citizenship" by Yung Soon Yoo who represented a group called Korean Family Reunion, Inc. When Yoo made his request in an October 17, 1995, letter to McElroy, he referenced an "innovative program" in Chicago and claimed that the Chicago District had waived written examinations for certain elderly Korean applicants, that other applicants were allowed to choose 15 questions from an INS approved list, and that applicants were allowed to use their own interpreter. In November 1995, a senior New York adjudicator contacted the Chicago naturalization supervisor and learned that approximately 1,000 Korean applicants were provided an advance list of 15 questions to study for the civics test before being interviewed at a particular location in the community.

In a November 16, 1995, response, McElroy promised that INS would "extend all necessary and appropriate assistance" once Yoo determined how many applications he planned to submit. McElroy indicated that after receiving the applications, the New York District could "make further plans regarding scheduling and testing of the applicants at an appropriate facility." During the spring of 1996, Yoo continued making inquiries to New York naturalization managers regarding naturalization requirements for the elderly and indicated his desire to have all Korean applicants who applied for naturalization interviewed by the end of August. On April 1, 1996, McElroy sent a letter to Yoo explaining that in order to interview applicants by the end of August, their N-400 applications would need to be submitted by the end of April. In addition, McElroy clarified the requirements for waiving the English-language requirement for older applicants.

Sok H. Kang, Executive Director of the Korean Immigrant Services of New York, Inc., wrote to McElroy on May 31, 1996, that "[b]ecause of information provided by Mr. Yoo," his organization had prepared applications for more than 150 elderly Korean applicants who

Notably, unlike what we found in Chicago, not one adjudicator we interviewed during our investigation complained that they were pressured by CBO representatives to approve applications at these off-site interviews.

New York's approach to off-site interviewing was criticized by representatives of a New York CBO—called the Metropolitan Industrial Areas

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wanted citizenship by August. Kang complained that many of these applicants had been in this country for decades but because of language barriers had been unable to become citizens. Furthermore, Kang wrote that many of them “believed they were offered this great opportunity of becoming U.S. citizen [sic] because of their generous contributions to Senator DaMato [sic] and Governor Pataki’s campaigns. They think it is a favor returned from the government. They believe in Mr. Yoo’s information because they understand the close relationship you have with Mr. Yoo through various social occasions [sic] and campaign fund-raising events.” Kang wrote that the applicants were threatening to sue his organization and INS now that it appeared that they were not going to get the opportunity to become citizens by August 1996. McElroy informed Senator D’Amato’s and Governor Pataki’s offices about this letter.

In early June, Senator D’Amato’s office wrote Kang and requested the names of donors who contributed to the Senator’s campaign. In a letter to Senator D’Amato’s office dated June 6, 1996, Kang back-pedaled significantly from his May 31 letter to McElroy, stating that “[t]he undersigned cannot emphasize enough hereby that all statements made within the letter were generalized and ought not to be taken as some specific assertions made by some particular individuals.” Kang went on to say that he could not provide the names of any campaign contributors because there was “no individual having ostensibly proclaimed his or her contribution to any of the campaigns.” Kang wrote that Yoo was responsible for any confusion because “all of the misinformation was communicated to these seniors by Mr. Yoo,” who Kang characterized as a “politically well-connected and informed figure in the Korean community.” Kang’s letter also indicated that McElroy had never promised to make any exceptions for the elderly Korean applicants and, instead, blamed Yoo for taking advantage of his relationship with Senator D’Amato and Governor Pataki “to send out untruthful information and create false hopes among these seniors.”

In July 1996, New York ADDE Berryman, acting on McElroy’s directive, instructed a New York SDAO to conduct off-site interviews at a Korean church in Queens, NY, for approximately 150 elderly Korean applicants. The SDAO understood these Korean applications had received special handling and were accepted in-person at the New York District Office rather than through Direct Mail, as was required for other applicants. According to the SDAO, he and other INS personnel conducted off-site interviews at this Korean church. Shortly thereafter, the SDAO learned the New York District was considering hosting a special naturalization ceremony during an annual Korean festival in Queens. When organizers of the event pressed for an all-Korean naturalization ceremony (to the exclusion of other nationalities), McElroy canceled the ceremony.

Foundation (“Metro-IAF”).<sup>12</sup> Representatives of this CBO requested that the New York District accept groups of applications from Metro-IAF clients (a process referred to as “batching”) and then conduct off-site interviews of only those applicants at Metro-IAF locations. Metro-IAF also wanted special naturalization ceremonies specifically for IAF clients. In making such requests, Metro-IAF representatives pointed out that CBOs in Los Angeles and Chicago were able to arrange off-site interviews at their sites that were limited to their clients.

New York management consistently rejected these requests. District Director McElroy’s position was that if the District accommodated this particular CBO’s requests, it would have to accommodate the many other CBOs in the District and New York did not have the resources to do so. In a March 1996 report to INS Headquarters on New York’s CBO activities, naturalization managers indicated that they had communicated to CBOs that they would not accept applications for batch scheduling at CBO locations until after the District’s pending or “backlogged” applications had been addressed.

Metro-IAF representative Patricia Oettinger told the OIG that she met Alice Smith at the January 30, 1996, CBO meeting with Commissioner Meissner in Washington,<sup>13</sup> and subsequently began communicating with her

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<sup>12</sup> The Industrial Areas Foundation (IAF) is a national umbrella organization and is affiliated with hundreds of community-based, religious, and other organizations that assist immigrants or advocate on behalf of immigrants. In addition to a national staff, a number of regional or local IAF groups existed, such as Southern California IAF, Northern California IAF, Texas IAF, IAF Washington, D.C., and Metro-IAF. Each regional IAF organization represents local immigration concerns and is typically comprised of a number of organizations. Metro-IAF at the time was comprised of six or seven multi-denominational, church-based groups and worked with local immigrants to educate them about community issues.

<sup>13</sup> This meeting is also discussed in detail in our chapter on White House/NPR involvement in the CUSA program. On January 30, 1996, IAF affiliates from Los Angeles, San Francisco, New York, and Chicago met with Commissioner Meissner and members of her staff in Washington. Father Miguel Vega, representing IAF/ACC in Los Angeles, was the primary speaker for IAF. At the meeting, IAF representatives expressed dismay over continuing delays between application and naturalization. Father Vega tied these concerns to the upcoming presidential election. As described in the detailed contemporaneous notes taken by an INS official, Father Vega concluded his litany of concerns by noting that an unnecessary delay of 45 days from approval to ceremony translated into 45,000 lost voters.

about Metro-IAF's requests. Metro-IAF representatives subsequently met with Smith on March 13, 1996, during which Smith explained the District's progress in hiring additional personnel for CUSA and suggested that Metro-IAF consider becoming certified to conduct English and Civics testing. At this meeting with Smith, Metro-IAF representatives reiterated their request for off-site interviews and batch processing of applications.<sup>14</sup>

When New York District managers did not implement batch processing in the ensuing months, IAF representatives requested a personal meeting with McElroy to address their concerns. McElroy along with ADDE Berryman, Section Chief Chapman, Garden City CUSA site manager Linda Pritchett, and Terrance O'Reilly, Alice Smith, and David Rosenberg from INS Headquarters, met with Metro-IAF representatives on June 17, 1996. At the meeting, McElroy told Metro-IAF representatives that he would stand by the representations made by his managers that the District did not have the resources to accommodate their request to batch applications, schedule off-site interviews specifically for their clients, or conduct ceremonies specifically for Metro-IAF applicants. McElroy also refused a Metro-IAF request to designate a particular member of his staff as a Metro-IAF "ombudsman" to deal

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Once the community representatives had been given an opportunity to speak, Commissioner Meissner addressed them. After complimenting their efforts and noting the magnitude of the problem, she advised them that it was very important to be clear about which objectives they shared and which community objectives INS did not share.

According to various witnesses who were present at this meeting, Commissioner Meissner told IAF that INS shared the with them the objective of timely service and fair and consistent adjudication of applications. Commissioner Meissner pointedly told IAF that INS' job was not, however, registering voters or producing votes and INS would not calibrate its schedules for voter registration deadlines. Commissioner Meissner said that INS promised its best efforts to reducing the processing times by the summer of 1996, and that INS could not alter its plans to accommodate any one organization.

The notes of the meeting also reflect that IAF stated its desire to participate in naturalization interviews. According to those notes, Commissioner Meissner explained that there was a legal prohibition on adjudications by outside persons maintained that adjudications would remain the exclusive province of INS.

<sup>14</sup> New York Naturalization Section Chief Chapman, who met with Smith prior to her meeting with Metro-IAF, recalled that Smith was concerned about addressing Metro-IAF's complaints about the New York District's responsiveness because a related organization, Southern California IAF, had recently staged a public protest at INS' Los Angeles District Office.

specifically with IAF issues. Metro-IAF subsequently wrote a letter to Commissioner Meissner complaining about their treatment in New York.

According to McElroy, he was later instructed to attend another meeting with Metro-IAF representatives, this time at INS Headquarters that he understood had been scheduled at the request of then-Congressman Charles Schumer. Prior to this meeting, McElroy said he met with Commissioner Meissner who wanted to know why the New York District had not responded to IAF's complaints. McElroy said that he explained that Metro-IAF only submitted about 500 cases, and that he could not be singularly responsive to their concerns when "[w]e had 150,000 plus cases."

According to McElroy, during the subsequent meeting Metro-IAF insisted again that the New York District batch its applications, do CBO-specific off-site interviews, and designate an "ombudsman" to deal directly with IAF. In again declining their requests, McElroy told the OIG that he made the point that if he acceded to this request, it would open the floodgates for similar requests by the 500 other CBOs in the District.

### **3. San Francisco**

By way of contrast, we note that San Francisco District created an off-site processing program during CUSA that acceded to requests by CBOs to have CBO-specific interviewing sessions, but did not experience the widespread complaints by adjudicators about such sessions. San Francisco's comparative success in this area was attributable to several factors. First, the San Francisco District had a historically good relationship with Bay Area community groups since the late 1980s. Second, by the summer of 1996, off-site processing became somewhat of a necessity because San Francisco, unlike New York and its large Garden City site, did not have enough office space for all the DAOs to conduct interviews. Finally, the San Francisco District made efforts to treat applicants interviewed at off-site locations in the same way they treated those interviewed at traditional offices. Unlike what we found in Los Angeles, there was no significant procedural difference between the two kinds of cases. In order not to treat unfairly applicants who had been waiting in INS' naturalization queue, District officials would obtain from the organization arranging the off-site session a list of clients who had filed their N-400s at approximately the same time as applicants who would be interviewed at INS offices on the same date as the off-site session.

## **E. INS, CBOs, and voter registration**

INS' role in voter registration before and during CUSA was limited to facilitating other governmental and community organizations that assisted new citizens with voter registration. We found that district managers typically arranged for organizations such as the League of Women Voters, CBOs, and local voter registrars to have work areas at naturalization ceremonies. Although some CBOs engaged in greater voter registration activities at naturalization ceremonies during CUSA than they had in the past, we did not find that INS officials improperly engaged in any voter registration activities.

### **1. CBO voter registration activities during CUSA**

According to some CBO representatives that we interviewed, an important mission of a number of CBOs is to educate immigrants about community issues and to register new citizens to vote as a means to encourage new citizens to participate in issues that affect their community. In 1996, a number of CBOs took additional steps to increase their voter registration efforts. For example, the Southern California IAF, in conjunction with four other community organizations, formed the "Active Citizenship Campaign," (ACC) an organization created to develop voter registration and voting strategies. Southern California IAF's ACC was one of the CBOs that participated in off-site interviewing in Los Angeles, met with Commissioner Meissner in January 1996 at INS Headquarters in Washington, and met with Vice President Gore in Los Angeles in March 1996. ACC conducted voter registration activities unrelated to naturalization ceremonies and indicated in letters to INS and other government officials that its goal was to register 26,000 new voters in 1996.

In Chicago, CBOs such as the Illinois Coalition for Immigrant and Refugee Protection (ICIRP) worked with an organization created by Mayor Richard Daley in 1994 to assist immigrants in becoming citizens—the Chicago Citizenship Assistance Council (CCAC)—and assisted the Chicago District with logistics for large naturalization ceremonies during CUSA. We found that Chicago INS officials attended CCAC meetings during which the CBO discussed plans for voter registration. To facilitate voter registration at a large naturalization ceremony planned in May 1996, representatives of ICIRP arranged for the City Board of Elections and the Cook County Clerk of Court to attend the ceremony. Minutes from CCAC meetings reflect that ADDE Shirley Roberts stated that voter registration should be "peripheral" or outside



of ceremonies, and that INS could not involve itself in voter registration efforts. Despite these instructions, two volunteer registrars handed out registration materials during a May, 1996 ceremony itself, but were stopped by a city official working with the CCAC. This incident was discussed at the next CCAC meeting on June 4, 1996, and a city official said that the incident at the May ceremony was improper and that voter registration efforts should be limited to distributing a voter registration form to the new citizens after the ceremony.<sup>15</sup>

We found that CBOs in New York, such as Catholic Charities and the New York Immigration Coalition (NYIC) worked with the League of Women Voters at naturalization ceremonies to distribute and collect voter registration cards. During ceremonies at Garden City, a member of the League of Women Voters often addressed the audience on the importance and power of the right to vote.<sup>16</sup>

## **2. Actions by a San Francisco CBO that fueled speculation of improper political interest by INS**

One of the documents INS provided to Congress as Congress began to investigate the allegations relating to CUSA was a letter prepared by representatives of a San Francisco CBO that characterized INS' efforts during

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<sup>15</sup> Voter registration was also on the agenda at the July 16, 1996, CCAC meeting. Members of the Council were given an update on the numbers of new citizens who had registered to vote at INS ceremonies on May 24 and June 4, 1996. It was reported that the Chicago Board of Elections was preparing a list of the newly registered voters to provide to Mayor Daley's office and UNO (according to the Cook County Clerk of Court, voter registration rolls are open to the public).

<sup>16</sup> The speech given was prepared by the NYIC. An excerpt from the speech follows: "Through voting, you can shape the direction of your government. Unlike other forms of government, in a democracy, the power and responsibility of governing is delegated to every citizen. If you do not vote, you are putting the power to communicate your needs to elected officials in the hands of other people who may not represent your interests. Remember! Our elected officials are our servants. You have the right to vote them in and out of office if you feel they do not represent your interests or those of your family and community. However, this power is only yours if you choose to use it. Politicians do not listen to their constituents who do not vote. Traditionally, New York's foreign-born residents have significantly lower voter participation rates than the native born. For this reason, elected officials often do not consider the needs of immigrant communities when making their policy decisions."

fiscal year 1996 as motivated by a desire to naturalize applicants in time for them to register to vote in the November 1996. This letter was written to ADDA David Still, DADDA Lois Chappell, and SDAO Terry Rice in July 1996 by Amy Joseph and Veronica Doyle of the CBO “Jewish Family and Children’s Services” (JFCS).

In their July 1996 letter, Doyle and Joseph requested that the San Francisco District change its interviewing schedule to allow for more applicants to be interviewed at off-site locations in August and September instead of at District Office appointments in October so that successful applicants would have time to register to vote in the upcoming election. They wrote, “this would satisfy the INS’ goal of getting as many applicants naturalized by the October 7 voter registration deadline [sic].” Despite the facial inference that was understandably drawn from this document, the OIG investigation has determined that there was no District-level interest in the voter registration deadlines or the November 1996 election that had a discernible influence on naturalization practices and policies in the San Francisco District during fiscal year 1996.

As flatly declarative as the premise of the statement in the JFCS letter appears to be (that INS had a voting-related objective), Doyle and Joseph told the OIG that they not only had no basis for the assertion but did not, in fact, believe it to be the case. The addressees, as well, told the OIG that INS had no such goal.

Doyle acknowledged to the OIG that she drafted the letter. She stated, however, that she had no evidence that INS had a goal to naturalize people by the October voter registration deadline. Doyle explained that the sentiments expressed in the letter were the “voice of the CBO coalition” and not the INS. Indeed, she asserted it had been her impression that INS was neutral and not political in terms of the upcoming election. In addition to her contact with San Francisco officials, she recalled that she had attended an event at which Commissioner Meissner addressed the San Francisco immigration community. During her remarks, the Commissioner did not mention the election or any voter registration deadline.

Similarly, Amy Joseph also told OIG investigators that she could not remember voter registration ever being mentioned as an INS goal at any meeting with INS or other CBOs. She had understood Commissioner Meissner to say that the goal of CUSA was to reduce the backlog by hiring more officers

to adjudicate applications. She asserted that she did not know and could not say why her July letter referred to timely voter registration as a “goal” for INS.

We found no evidence that anyone at INS responded to this letter. Neither Joseph nor Doyle believed that JFCS received a response to their request for additional off-site sessions while INS managers could not specifically recall their response. Moreover, it appears from other documentation that no additional off-site interviews were scheduled for August and September 1996 apart from those that had been planned before INS received the July 1996 letter.

In addition, the OIG interviewed representatives of many other community organizations that had been active in the San Francisco Bay Area during 1996, including the Bay Area Organizing Committee (a broad-based organization made up of churches and unions), the Santa Cruz County Immigration Project, the Northern California Coalition for Immigrant Rights, the League of Women Voters, La Raza Centro Legal, San Jose Catholic Charities, Catholic Charities, and the Immigrant Legal Resource Center. No other witness interviewed reported that the San Francisco District appeared to have worked toward the goal of getting applicants naturalized in time to vote in the November election.

One unidentified priest who attended a CBO meeting in San Francisco also attended by NPR’s Robert Stone was quoted by Stone in his notes as saying, “very encouraging that INS registered voters.” Stone recalled to the OIG that despite the wording in his notes, the priest was not specifically referring to any direct efforts by INS to accommodate applicants’ desire to be naturalized in time to register to vote. The priest was encouraged that INS was helping rather than getting in the way of immigrants and using its resources on citizenship processing rather than just on border enforcement. Other San Francisco-area organizers who attended the same meeting disputed the notion that INS made efforts to register voters or to otherwise assist CBOs in getting the applicants registered in time to vote.

In addition, a representative from the League of Women Voters who attended the INS/CBO liaison meetings in the San Jose area during CUSA told the OIG that hers was the only organization that raised issues of voter registration. Rather than encouraging these efforts, she said it appeared to her that INS would have preferred that the League of Women Voters not undertake efforts to get new citizens to vote.

### **3. Allegations of INS involvement in the registration of applicants who were not yet naturalized**

Perhaps the most notorious allegations of voter registration abuse surrounding the 1996 election arose in southern California, where former Congressman Robert K. Dornan alleged that voter registration fraud contributed to his defeat by Congresswoman Loretta Sanchez in the 46<sup>th</sup> Congressional District (Orange County). The allegations centered on the activities of Hermandad Mexicana Nacional, a Los Angeles CBO that participated in INS off-site naturalization interview sessions.

The specific allegations concerning the election and the actions of Hermandad Mexicana Nacional were investigated for potential criminal prosecution by the State of California and by Orange County. That investigation was closed on December 19, 1997, without any indictments being issued. The OIG did not investigate the electoral results<sup>17</sup> or the actions of the CBO involved in this case, but rather focused on the allegations that Los Angeles INS was involved in the improper registration to vote of persons who had not yet naturalized. As discussed below, we found that Los Angeles INS did not encourage or otherwise assist in any improper voter registration efforts by representatives of CBOs participating in Los Angeles off-site processing.

Several INS employees who worked at off-site processing sites said they observed voter registration activity, but said they only saw the registration forms being distributed to the applicants and they did not witness the actual registration of applicants. Three INS employees said they did witness the actual registration of voters by non-INS personnel. One of the three employees

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<sup>17</sup> As noted in our chapter on A-file policy and practices, above, former Congressman Dornan contested the election of Congresswoman Sanchez and the Committee on House Oversight looked into voter registration irregularities in Orange County. In its report dismissing the election contest, the Committee noted that the investigating task force was not able to resolve the question of how many aliens were registered to vote in the 46<sup>th</sup> Congressional District. The report noted that “the investigation of this contest has confirmed that there is a significant number of aliens who appear within the INS data bases and are on the voter registration rolls of Orange County. This fact leads logically to a serious question and a troubling hypothesis: if there is a significant number of ‘documented aliens,’ aliens in INS records, on the Orange County voter registration rolls, how many illegal or undocumented aliens may be registered to vote in Orange County? The Task Force [investigating the matter] can make no conclusion based on the materials before it as to the number of illegal aliens who may be on Orange County registration rolls.”

said he never made a report or complaint to his supervisor about his observations. The other two told the OIG that they had reported their observations up through their chain of command.

Our efforts to trace what happened to these employees' complaints to supervisors showed that such complaints were not made in writing and they were barely recalled by supervisory staff. One supervisor confirmed that there had been reports about improper voter registration by one of the CBOs, but she did not recall what, if any, action INS took in response. Another supervisor denied having heard such complaints and pointed out that there was no written record—no “after action” report, the report customarily filled out after each off-site session to report the results of off-site interviews to District management and to note any particular problems or unusual activity—to support the DAOs' assertions that they had been particularly troubled by the conduct they had observed.<sup>18</sup>

The evidence does show that Los Angeles INS was not particularly vigilant, on those occasions when DAOs did notice what they believed were improper practices, about whether the CBOs with whom they worked at off-site sessions were only lawfully registering people to vote. However, this failure to take affirmative steps to stop actions by CBO representatives that were not directly related to INS adjudications cannot be construed as an endorsement of any such efforts by the CBOs. The evidence shows that Los Angeles INS did not encourage, promote, or otherwise engage in the improper registration to vote of naturalization applicants who had not yet become citizens.

## **F. Conclusion**

When INS told its managers that partnering would be an element of the CUSA enterprise, it promised them guidance on how to structure or define the relationship. In fact, INS failed to make good on its promise. Field managers

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<sup>18</sup> There was one “after action” report filed in Los Angeles that mentioned voter registration at off-site processing. However, the DAO who wrote it was only concerned because the table being used by the organization for voter registration was blocking an exit door. Indeed, the DAO's report suggests that “[p]erhaps another room or area may be utilized for this purpose.” As the DAO who wrote the memorandum told the OIG, although she knew that only citizens could vote, she had never given much thought to whether an applicant could register before becoming a citizen.

and district offices, however, had ongoing relationships with CBOs—which could be variously supportive or aggressively critical of INS and district office activities. The spectrum of different relations, from cozy to cordial to distant, appears to have arisen separately from CUSA, however. Guidance from INS Headquarters could have enabled District Directors to fend off overly aggressive CBOs or recognize the risks of a too familiar relationship with a CBO. It might also have informed district employees how to proceed when they encountered voter registration efforts so as to ensure a proper separation between INS’ duties and the CBOs’ objectives.